

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, Business and Industry

ANDREW J. MACKAY
Chairman

MONICA B METZ
Commissioner

GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE January 10, 2013 GENERAL SESSION

AGENDA

1. Call to Order

Chairman MacKay called the general session to order at approximately 9:35 a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement Michael Bradford, and Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chief of Enforcement Mike Bradford led a recital of the Pledge.

4. Public Comment:

None.

5. Approval of Agenda

Administrative Attorney Day requested that Item 13 be removed from the Agenda and reset for hearing as a motion to set aside had been granted by the Hearing Officer, that Item 34 initials be changed from GA to MBM, and that Item 48 be removed and re-noticed due to an error in Agenda preparation. Administrative Attorney Day also noted the Protest on Item 62 had withdrawn and the Applicant on Item 67 withdrew the request to expedite and asked that the matter be set for hearing. Approved 3-0 as modified.

6. Approval of the Minutes of the December 6, 2012 Agenda Meeting

Approved 3-0.

7. Briefings from the Commissioners

Commissioner Assad wished everyone a Happy New Year.

Chairman MacKay thanked the Enforcement and Audit staff for their excellent work on the 312 CES vehicle inspections and thanked Management Analyst Ron Delgado, Administrative Assistant Karen Rayson, and Deputy Commissioner Marilyn Skibinski for making carrier tariffs available on line.

Commissioner Metz echoed Chairman MacKay's comments.

8. Briefing from the Deputy Commissioner

None.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton noted that Custom Towing had filed a Petition for Judicial Review on a matter handled by Commissioner Assad. Mr. Newton stated he is not yet aware of what issues might be raised by Custom Towing. He also noted that there was no other news on other pending Petitions for Judicial Review.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10-57, with the exception of items 13, 18 and 48 were considered collectively and approved 3-0.

10. Citation 16141 issued to Scott Stuart Dunlop for violation of NAC 706.311. (AJM)

11. Citation 16142 issued to Robert Montgomery for a violation of NAC 706 as amended by LCB File No. R127-07. (AJM)

12. Citation 15540 issued to Nonstop Moving/Budget and/or Joshua Hardee for violations of NRS 706.386 and NRS 706.758. (MBM)

13. Citation 15541 issued to Jamie Jeffries for a violation of NAC 706.228. (MBM)
Matter pulled from meeting agenda. Motion to set aside granted and matter reset for hearing.

14. Citation 15542 issued to Miranda Estanislao for a violation of NAC 706 as amended by LCB File No. R127-07(1). (MBM)

15. Citation 15543 issued to Kassahun T. Chane for violation of NAC 706.228. (MBM)

16. Citation 15572 issued to Centennial Transportation, LLC for a violation of NAC 706.191. (MBM)

17. Citation 15848 issued to Raymond Chad Bibler for violations of NRS 706.386 and NRS 706.758. (MBM)

18. Citation 15934 issued to Rapid Tow, LLC for a violations of NAC 706.432 and NAC 706.1045. (MBM)

Commissioner Metz summarized the case. Steven Mack, owner and legal counsel for the carrier, claimed that the Respondent had failed to appear on only two prior occasions, both due to his staff not notifying him of the hearings. Commissioner Metz detailed the carrier's three FTA's and stated that she was not inclined to rehear the matter. Chairman MacKay expressed his support for Commissioner Metz's draft Order. Approved 3-0 as drafted.

19. Citation 15943 issued to Hanmi Travel/Ho Moon for violations of NRS 706.386 and NRS 706.758. (MBM)

20. Citation 16051 issued to Sweetours for a violation of NAC 706.247/49 CFR 382.301(a). (MBM)

21. Citation 16151 issued to Rostislav Stanev for violations of NRS 706.386 and NRS 706.758. (MBM)

- 22. Citation 16163** issued to Ali Sayar for a violation of NRS 706.329. (MBM)
- 23. Citation 16178** issued to Walter Baumann for violations of NRS 706.386 and NRS 706.758. (MBM)
- 24. Impound 1587.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Josephine Baumann. (MBM)
- 25. Impound 1677.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Desert Auto Sales. (MBM)
- 26. Citation 13672** issued to Rapid Tow for violations of NAC 706.311 and NAC 706.432(1). (GA)
- 27. Citation 15570** issued to Rapid Tow for violations of NAC 706.247/49 CFR 382.301(a) (2 counts). (GA)
- 28. Citations 15666 and 15667** issued to The Shop Towing for violations of NAC 706.247/49 CFR 391.51(7)(i) (3 counts) and NAC 706.247/49 CFR 382.301(a). (GA)
- 29. Citation 15964** issued to Lawrence Caparas for violations of NAC 706 as amended by LCB File No. R127-07 and of NAC 706.228 (2 counts). (GA)
- 30. Citation 15965** issued to Chad Adams for a violation of NAC 706 as amended by LCB File No. R127-07. (GA)
- 31. Citation 15968** issued to Carmen Kordogiannis for violations of NRS 706.386 and NRS 706.758. (GA)
- 32. Citations 15969 and 15972** issued to Yohanes Abraha for a violations of NAC 706 as amended by LCB File No. R127-07 and NAC 706.228. (GA)
- 33. Citation 15975** issued to Rufus Daniels for violations of NRS 706.386 and NRS 706.758. (GA)
- 34. Impound 1700.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Christopher Wright. (MBM)
- 35. Citation 13671** issued to Centennial Transportation, LLC for a violation of NAC 706.228 as amended by LCB R127-07(9).
- 36. Citation 13674** issued to Teddy Dagnis/All About Service Limousine, Inc. for a violation of NAC 706.228.
- 37. Citation 15394** issued to Open Top Sightseeing of Las Vegas for violations of NRS 706.137 and NRS 706.398.
- 38. Citation 15545** issued to Jor-el Strother for a violation of NAC 706 as amended by LCB File No. R127-07.

- 39. Citation 15546** issued to Yosief Bereketeab for a violation of NAC 706.329.
- 40. Citation 15547** issued to Leo Alvarez for a violation of NAC 706.228 as amended by LCB File No. R127-07.
- 41. Citation 15851** issued to Bell Trans for a violation of NAC 706.311.
- 42. Citation 15852** issued to Presidential Limousine for a violation of NAC 706.311.
- 43. Citation 15883** issued to All About Auto Service and Towing for violations of NRS 706.758.
- 44. Citation 15892** issued to Ausage Wong-Wvi for violations of NAC 706 as amended by LCB File No. R127-07 and NAC 706.360.
- 45. Citation 15937** issued to Titan Towing for violations of NAC 706.408 and NRs 706.4467.
- 46. Citation 15940** issued to AA Action Towing for violations of NAC 706.420 and NAC 706.432.
- 47. Citation 15945** issued to Scott Whitman for violations of NRS 706.758 and NAC 706.329.
- 48. Citation 15967** issued to Girum Kassa for a violation of NAC 706.228. Citation 16156 issued to Pedro Flores for a violation of NAC 706 as amended by LCB File No. R127-07(1).
Removed from the meeting agenda prior to consideration.
- 49. Citation 16152** issued to Serban Vasile for a violation of NAC 706.228.
- 50. Citation 16153** issued to Darrell Eddy for a violation of NAC 706.247/49 CFR 391.41.
- 51. Citation 16154** issued to Luis Zaragoza for a violation of NAC 706 as amended by LCB File No. R127-07.
- 52. Citation 16155** issued to Theoharis Amanatidis for a violation of NAC 706.228 as amended by LCB File No. R127-07.
- 53. Citation 16157** issued to Alexander Eujenio for violation of NAC 706.228.
- 54. Citation 16158** issued to Triplett Estates/Christopher Triplett for violation of NRS 706.758.
- 55. Citation 16159** issued to Akanimoh Ntia for a violation of NAC 706 as amended by LCB File No. R127-07.
- 56. Citation 16160** issued to Charles D'Ambrosia for a violation of NAC 706.228.
- 57. Citation 16162** issued to Andreias Murdasanu for a violation of NAC 706.329.

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**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

58. Docket No. 12-12023 The temporary discontinuance from January 1, 2013 through February 1, 2013 of services provided by Idrisa Tikolo Mansaray d/b/a Tic's Quick Towing under Certificate of Public Convenience and Necessity 7145. Staff investigation concluded.
Chairman MacKay summarized. Approved 3-0.

FINANCIAL RATES AND TARIFFS

59. Docket No. 12-05024 The Application of Champion Movers, LLC d/b/a Champion Movers for approval of a tariff rate modification for transportation of household goods conducted under Certificate of Public Convenience and Necessity 3337, Sub 1. Staff investigation concluded.
Paul Neppa was present on behalf of Applicant. Financial Analyst Aronova summarized the Application and indicated Staff support. Approved 3-0.

60. Docket No. 12-11018 The Application of SEM Enterprises, LLC for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity 7117, Sub 3. Staff investigation concluded.
Scott McCollum, owner, was present on behalf of the Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support with the exception of the proposed afterhours and off-road rates, which are higher than other carriers in the geographic area. A discussion ensued with regard to exceeding highest rates and outliers relative to the difficulties it presents for Authority Staff as they conduct their tow rate research. Approved 3-0 as modified to reflect afterhours and off-road rates at highest in geographic area.

61. Docket No. 12-11025 The Application of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of a tariff rate modification for charter limousine services conducted under Certificate of Public Convenience and Necessity 1062, Sub 8. Staff investigation concluded.
Applications Manager Babcock summarized the Application and indicated Staff support. Approved 3-0.

62. Docket No. 12-12003 The Application of BLS Service of Las Vegas, Inc. for approval of a tariff rate modification for charter limousine services conducted under Certificate of Public Convenience and Necessity 1070, Sub 2. Staff investigation concluded.
Trailed to follow Item 70. Applications Manager Babcock summarized the Application and indicated Staff support. Kimberly Maxson-Rushton, Esq., was present on behalf of the Limousine Operators Association and indicated her client's protest to the rates stating they were lower than industry standards. Approved 3-0.

63. Docket No. 12-12010 The Application of Bell Trans, a Nevada Corporation d/b/a Bell Trans, Bell Limousine for approval of a tariff rate modification for airport transfer services conducted under Certificate of Public Convenience and Necessity 1023, Sub 2, Tariff 2. Staff investigation concluded.
Kimberly Maxson-Rushton, Esq., appeared on behalf of Applicant. Applications Manager Babcock summarized the Application and indicated Staff support. Approved 3-0.

64. Docket No. 12-12015 The Application of D & S Tow, Inc. for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity 7045, Sub 1. Staff investigation concluded.

Dave Walters, General Manager, was present on behalf of the Applicant. Applications Manager Babcock summarized the Application and indicated that some proposed rates were above the highest in the geographic area. Commissioner Metz expressed concern about rates exceeding the current range in the industry. A discussion ensued with regard to increases above the highest in a geographic area. Denied 3-0.

65. Docket No. 12-12021 The Application of Las Vegas Limousines, a Nevada Corporation for approval of a tariff rate modification for charter limousine and airport transfer services conducted under Certificate of Public Convenience and Necessity 2258, Sub 5. Staff investigation concluded.

Neil Tomlinson, Esq., was present on behalf of the Applicant as was John Marushok, Director of Operations. Applications Manager Babcock summarized the Application and indicated Staff support. Commissioner Metz requested clarification with regard to airport passenger fees and asked that language be changed to clarify. The Applicant agreed to change the language as requested. Approved 3-0.

APPLICATIONS FOR FULLY REGULATED CARRIERS

66. Docket No. 11-09017 The Application of Martin Ross & Associates, LLC for final approval of a contract carriers permit to provide prisoner transportation services pursuant to a contract with the State of Nevada or in the alternative, the Applicant's request to extend the interim/temporary approval of their Application due to exigent circumstances. Staff investigation of Request concluded. (AJM)

Applications Manager Liz Babcock summarized the Application and indicated that progress is being made toward getting a final approval on the Application for operating authority. Commissioner Metz requested an extension on the interim/temporary authority not go beyond the next full Authority general session. Extension of interim authority until next general session of the Authority approved 3-0.

67. Docket No. 11-12021 The Application of BLS Limousine Service of Las Vegas, Inc. for an expansion of operating authority granted under CPCN 1070, Sub 2. Applicant's motion to expedite the approval of their Application. Staff investigation concluded. (MBM)

Item formally withdrawn by Applicant.

68. Docket No. 11-12022 The Application of Open Top Sightseeing Las Vegas, LLC, for Les Cars Rouges S.A. to transfer and Big Bus Tours, a foreign corporation, to acquire Les Cars Rouges S.A., the parent company of Open Top, a carrier authorized to provide regular route, scenic tour service, and charter bus service within the state of Nevada granted under Certificate of Public Convenience and Necessity 2004, Sub 9. Staff investigation concluded. (AJM)

Kimberly Maxson-Rushton, Esq., was present on behalf of the Applicant. Chairman MacKay summarized and indicated that he determined a hearing was not necessary. Applications Manager Babcock indicated Staff support. Approved 3-0.

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- 69. Docket No. 12-11023** The Applicant's Request for interim temporary authority due to exigent circumstances for the Joint Application of Chugach Support Services, Inc. to sell and transfer and Chugach Federal Solutions, Inc. to purchase and acquire the authority to provide contract carrier services granted under permit MV 6135 with the State of Nevada. Staff investigation of Request concluded. (GA)

Larry Wells and Michael Mott were present on behalf of the Applicant. Applications Manager Babcock summarized the Request. A determination was made that an exemption letter would be utilized as the carrier operates strictly pursuant to a federal contract. Administrative Attorney Jim Day indicated he would be drafting an exemption letter. Motion to deny the Request and issue an exemption letter approved 3-0.

DISCUSSION ITEM

- 70.** At the Authority's December general session, Michael Keller of AAA Insurance requested that the Authority clarify the standard for reasonableness of inside versus outside storage charges. Mr. Keller claimed that some tow carries charge for inside storage in 95% of all tows, whereas others rarely utilize inside storage. (AJM)

Chairman MacKay summarized the issue. Greg Hannah, Sr., AAA Field Appraiser, appeared on behalf of Michael Keller, and reiterated the request for clarification. David Walker, Walker Towing, stated that originally, all vehicles were stored outside unless requested otherwise by law enforcement and stated vandalism outside is covered by the tow yard and it is up to the tow yard to protect the vehicles it stores. Commissioner Metz indicated the model tow tariff requires justification on the tow bill for use of inside storage and noted that if the problem isn't industry-wide, she would rather the offending carriers be identified and have enforcement investigate. Clark Whitney, Tow Guys, stated there are reasons to place cars into inside storage and questioned the practices and law enforcement requirements in the northern part of the state stating inside storage is a business decision. Drew Ribar, A & A Towing, stated it also affects cost of doing business as losses for theft lead to increased insurance premiums and costs of doing business. Scott McCollum, SEM Enterprises, LLC, stated thefts have decreased considerably since he has instituted inside storage. Further discussion ensued.

71. Public Comment

Kimberly Maxson-Rushton, Esq., thanked Staff for the expedited inspections prior to CES and for the addition of tariff rates to the Authority website.

Clark Whitney, Tow Guys, thanked Authority Staff for adding the tariffs to the website.

Greg Hannah, AAA Insurance, requested clarification for multiple car tow charges. Commissioner Metz noted a rule is in place in the model tow tariff that governs billing of multiple car towing charges.

Greg Hannah, AAA Insurance, stated concerns that certain tow carriers will not provide a copy of the tow bill unless charges are paid.

Tom Wright, Ewing Bros., thanked Staff for adding the tariffs to the website and touched on inside vs. outside storage.

TIME-SPECIFIC DISCUSSION ITEM

1:30pm.

72. Public Comment:

None.

73. Frias Transportation Infrastructure (“FTI”) will present for Authority discussion its RideIntegrity system. FTI has described the system as a cloud-based resource that would assist regulators such as the Authority in enforcing tariff rates and other regulatory requirements. FTI seeks Authority consideration of the system for use in Authority compliance/enforcement efforts.

Neil Tomlinson, Esq., was present on behalf of FTI as were Mark James, President, and Leo Sampson, Chief Engineer. Mr. James briefly summarized the system. Mr. Sampson led a power point presentation. In summary FTI requested the Authority to allow Staff to work with FTI for a minimum 90-day/maximum 1-year, 150-vehicle pilot program. FTI will fully fund the pilot program. Commissioner Metz deferred to Chief of Enforcement Bradford as to whether Enforcement Staff’s participation in the pilot program might be beneficial. Pilot program participation approved 3-0.

74. Public Comment

Jay Nady, A-Cab, stated he felt the system could benefit the traveling public.

75. Adjournment

Meeting was adjourned at approximately 3:20 p.m.